

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

457J0098

HOUSE BILL NO. 1201

Introduced by: Representatives Williamson and Murschel and Senator Kelly

1 FOR AN ACT ENTITLED, An Act to authorize the issuance of revenue bonds to finance
2 certain water pipelines or aqueducts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-1-72 be amended to read as follows:

5 46A-1-72. Construction of a ~~West River~~ pipeline or aqueduct from the Oahe a mainstream
6 Missouri reservoir to ~~the border with Wyoming~~ one or more communities in eastern South
7 Dakota is hereby authorized for a main delivery pipeline capable of delivering ~~approximately~~
8 ~~twenty-seven thousand acre-feet of water per year with up to approximately seven thousand~~
9 ~~acre-feet to be available for use in western South Dakota and the balance into Wyoming~~ water
10 sufficient to supply or supplement the needs of the communities and other private or commercial
11 users purchasing water from the communities.

12 Section 2. That § 46A-1-73 be amended to read as follows:

13 46A-1-73. The South Dakota Conservancy District is hereby authorized to issue bonds for
14 the ~~West River~~ pipeline or aqueduct pursuant to section 1 of this Act in an amount not to exceed
15 ~~three hundred fifty~~ five hundred million dollars. The district may enter into a financing
16 agreement to loan the proceeds of the bonds as authorized by law. The financing agreement shall



1 provide for repayment of the loan through payments sufficient to pay the principal of, premium,
2 if any, and interest on the bonds. The loan shall be secured by ~~take-or-pay~~ contracts for the
3 ~~transportation of coal~~ delivery and sale of water and such additional security as is necessary to
4 market the bonds. The bonds ~~shall do~~ not constitute an indebtedness of the state and ~~shall do~~ not
5 constitute nor give rise to a pecuniary or moral liability of the state or a charge against its
6 general credit or taxing powers. No tax revenues of the state, its people, or any of its political
7 subdivisions ~~shall~~ may be in any manner obligated to pay for any portion of the construction or
8 financing of the ~~West River pipeline or~~ aqueduct.

9 Section 3. That § 46A-1-74 be repealed.

10 ~~—46A-1-74. The South Dakota Conservancy District is hereby authorized to contract, without~~
11 ~~using state tax revenues, for an independent market study to determine the demand for water~~
12 ~~from the West River Aqueduct.~~